



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

May 12, 2008

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

5/9/2008 4:58 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Mary Moore
New Salem Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

CONSENT AGENDA

**Resolutions of Memorial, Sympathy and
Commendation**

1. [Resolution to recognize May 2008 as Older Americans Month. Sponsored by Commissioner Henri Brooks](#)

** Recess of the County Commission Meeting and convening of a Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and General Government Committee to consider proposals shown on the Joint Committee agenda and approve Ordinances proposing amendments to the Shelby County Charter.*

** Reconvene session of the County Commission. Receive and consider report of the Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and the General Government Committee, regarding Ordinances proposing amendments to the Shelby County Charter.*

REGULAR AGENDA

FORD

Chairman, General
Government Committee

2. [ORDINANCE – THIRD READING - AN ORDINANCE AMENDING THE SHELBY COUNTY CHARTER BY REPEALING SECTION 4.06 OF ARTICLE IV; ADDING A NEW ARTICLE VIII SO AS TO CREATE THE OFFICES OF, AND ASSIGN THE DUTIES AND FUNCTIONS TO, THE SHELBY COUNTY SHERIFF, SHELBY COUNTY TRUSTEE, SHELBY COUNTY REGISTER, SHELBY COUNTY CLERK, AND SHELBY COUNTY ASSESSOR; AND PROVIDING FOR THE STATE LAW REQUIREMENTS FOR ESTABLISHING A CHARTER FORM OF COUNTY GOVERNMENT. SPONSORED BY CHAIRMAN DAVID LILLARD AND CHAIRMAN PRO TEMPORE DEIDRE MALONE.](#)

FORD

Chairman, General
Government Committee

3. ORDINANCE – THIRD READING -AN ORDINANCE TO AMEND THE SHELBY COUNTY CHARTER BY DELETING EXHIBIT “A” AS A DUPLICATION OF THE CIVIL SERVICE ACT ORDINANCE; BY AMENDING SECTIONS 1.02, 2.02, 2.03, 2.04, 2.06, 3.03, 3.04, 3.05, 3.07, AND 5.10 RELATIVE TO THE GOVERNMENTAL POWERS, COUNTY AUDITS, PURCHASING PROCEDURES, COUNTY COMMISSION’S MEMBERSHIP REQUIREMENTS AND NOMINATION TO FILL VACANCIES, COUNTY COMMISSION CHAIRMAN’S SALARY, ORDINANCE ADOPTION AND EFFECTIVE DATE, COUNTY MAYOR’S DUTIES AND TERM, VACANCY IN THE OFFICE OF COUNTY MAYOR, BUDGET PROCEDURES, AND RESIDENCY REQUIREMENT FOR COUNTY OFFICIALS AND EMPLOYEES; AND BY ADDING THREE NEW SECTIONS TO THE “GENERAL PROVISIONS” UNDER ARTICLE V RELATIVE TO HOLDING MORE THAN ONE ELECTIVE OFFICE, SUCCESSION OF AUTHORITY FOLLOWING A DISASTER, AND RECALL OF ELECTED COUNTY OFFICIALS. SPONSORED BY CHAIRMAN DAVID LILLARD AND CHAIRMAN PRO TEMPORE DEIDRE MALONE.

FY 09 BUDGET UPDATE

Mayor A C Wharton, Jr.

PYRAMID RE-USE COMMITTEE UPDATE

Commissioner Deidre Malone

CONSENT AGENDA

Ordinances

FORD

Chairman, General
Government Committee

4. ORDINANCE - FIRST READING - An ordinance to approve and set the salary of the Chairman of the Shelby County Commission for the 2008-2009 term. Sponsored by Commissioner Joe Ford.

Zoning and Subdivisions

RITZ

Chairman, Land
Use Committee

5. [Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.](#)
 - a. Resolution to approve the plat for Buggs Gully Subdivision (S 07-036 CO) and authorize the recording of the plat.
 - b.) Resolution to approve the plat for Farris Newbern Subdivision (S 05-006 CO) and authorize the recording of the plat.
 - c.) Resolution to approve the plat for Stonebriar PD, Area 10, Phase 7, (P.D. 03-335 CC) and authorize the recording of the plat. (Deferred to 6/2/08)

Reports and/or Resolutions for Standing Committees

BUNKER

Chairman, Public Works
Committee

6. [Resolution granting an easement for transmission of electricity to Nucor Steel Memphis, Inc., as approved by the Board of Commissioners of The Memphis and Shelby County Port Commission on March 27, 2008, and this item does not require the expenditure of county funds. Sponsored by Commissioner Wyatt Bunker.](#)
7. [Resolution approving the expenditure of funds by Shelby County Government to Memphis Stone & Gravel Company for pit run gravel, back fill sand and pea gravel and to Metro Materials for mortar sand in the approximate amount of \\$348,735.00 from July 1, 2008 to June 30, 2009 and this item requires the expenditure of State Gas Tax Funds in the amount of \\$348,735.00. Sponsored by Commissioner Wyatt Bunker.](#)

BUNKER

Chairman, Public Works
Committee

BUNKER

Chairman, Public Works
Committee

8. Resolution awarding a contract to Standard Construction Company for the FY2007-2008 Asphalt Resurfacing Program Phase I in an amount not to exceed \$616,147.20 and this item requires the expenditure of State Gas Tax Funds in the amount of \$616,147.20. Sponsored by Commissioner Wyatt Bunker.

CHISM

Chairman, Law Enforcement
Committee

9. Resolution receiving and filing the report of the Judicial Commissioner Program as required by Tennessee Code Annotated 40-1-111. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law Enforcement
Committee

10. Resolution to enlarge the Board of Directors for the Shelby County Emergency Communications District to eleven members as authorized by 2007 Pub. Acts Chapter 55. Sponsored by Commissioner Sidney Chism. (Withdrawn in committee 5/7/08)

CHISM

Chairman, Law Enforcement
Committee

11. Resolution amending the FY2007/2008 Operating Budget for a grant agreement with the Supreme Court of Tennessee Administrative Office of the Courts to fund courtroom security enhancements in the amount of \$66,600.00 for the purpose of providing a safe and secure courtroom environment. This item requires the expenditure of grant funds. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law Enforcement
Committee

12. A resolution to appoint a Judicial Commissioner and set the term of the appointment. Sponsored by Commissioner Joe Ford. (Deferred to 6/2/08)

MULROY

Chairman, Legislative
Committee

13. A resolution requesting the Tennessee General Assembly to enact legislation to eliminate litigation taxes in criminal cases; to increase court costs in criminal cases; to make such costs a part of the criminal sanctions; and to create a work program whereby those convicted of crimes may be required to work off criminal fines and court costs in lieu of their payment. In the alternative, this resolution requests that these issues regarding criminal fines and costs be included in House Bill 3751 for study by a legislative council in conjunction with the administrative office of the courts. Resolution sponsored by Commissioner Joe Ford. (Deferred to 6/2/08)

MULROY

Chairman, Legislative
Committee

14. A resolution requesting the Tennessee General Assembly to amended any caption bill now pending before it to establish a new division of general sessions court at Shelby County that would be solely dedicated to collecting unpaid fines, fees, levies, and court costs. In the alternative, this Resolution seeks to pay an additional salary of \$50,000.00 per year to any Judge or Judges who hear cases pertaining to the collection of unpaid fines, fees, levies and other costs due to the General Sessions Courts of Shelby County. Sponsored by Commissioner Joe Ford. (Deferred to 6/2/08)

MULROY

Chairman, Legislative
Committee

15. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the County Mayor's Administration to provide regular updates regarding state legislation requested by any board, agency, or commission that have members appointed by the Board of County Commissioners. Sponsored by Commissioner Mike Ritz. (Deferred to 8/4/08)

FLINN

Chairman, Community Services
Committee

16. A resolution amending the FY2008 Operating budget for State of Tennessee Community Enhancement Grants in the amount of \$108,000.00 and this item requires expenditures of State of Tennessee Community Enhancement Grant Funds in the amount of \$108,000.00 Sponsored by Commissioner George Flinn.

FLINN

Conservation Committee

17. Resolution to approve the transfer of Riverdale Park, Farmington Park, and Red Devil Field, including all existing park improvements, equipment and inventory thereon, together with a total of 26.48 acres of land upon which the parks are situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located in various locations in the City of Germantown, to the City of Germantown, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes. Sponsored by Commissioner Henri Brooks.

FLINN

Conservation Committee

18. Resolution to approve the transfer of Nikki McCray Park, including all existing park improvements, equipment and inventory thereon, together with 17.756 acres of land upon which the park is situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located at 274 Harris Park Road in the Town of Collierville, Tennessee, to the Town of Collierville, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes. Sponsored by Commissioner Henri Brooks.

FORD

Chairman, General
Government Committee

19. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order. Sponsored by Commissioner Joe Ford. (Deferred to 6/2/08)

GIBSON

Chairman, Delinquent Tax
Property Committee

20. [Resolution approving the sale of ten Delinquent Tax Parcels totaling \\$105,120.00 from Tax Sale \(S\) 99.01, 203, 205, 206 and 304 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II](#)

GIBSON

Chairman, Delinquent Tax
Committee

21. [Resolution approving the sale if sixteen Delinquent Tax Parcels totaling \\$148,100.00 from Tax Sale \(s\) 94.3, 201, 202, 203, 204, 205, 206 and 302 pursuant to the provisions of TCA 67-5-2507.](#)

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

Ordinances

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

MULROY

Chairman, Legislative
Committee

22. [Resolution to oppose proposed legislation imposing additional criteria for determining maintenance of effort compliance for local education funding. Sponsored by Commissioner Mike Ritz.](#)

MULROY

Chairman, Legislative
Committee

23. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the members of the Tennessee General Assembly to oppose pending legislation regarding duties and term limit prohibitions for county constitutional and charter officers. Sponsored by Commissioner Steve Mulroy. (Amended in committee 5/7/08)

GIBSON

Chairman,
Education Committee

24. Resolution amending the FY 2008 Capital Improvement Budget and Appropriating School Capital Funds in the Amount of \$11,537,402 from funds transferred for this purpose as authorized by resolution 63A adopted on June 25, 2007. Sponsored by Commissioner Deidre Malone. (Deferred to 6/2/08)

FORD

Chairman, General
Government Committee

25. Resolution eliminating pay for unused sick leave at retirement for new employees. Sponsored by Commissioner Sidney Chism.

FORD

Chairman, General
Government Committee

26. Resolution by the Board of Commissioners of Shelby County, Tennessee requiring criminal, sex offender, and child support background checks for all nominees to any board, agency, or commission that are appointed and/or confirmed by the Board of County Commissioners. Sponsored by Commissioner Henri E. Brooks.

FORD

Chairman, General Government
Committee

27. Resolution to establish a hiring freeze until June 30, 2009, eliminate reclassifications for the same period, remove all positions vacant for 90 days or longer as of May 31, 2008 from the Fiscal 2009 department budgets and to provide a process to allow for necessary exceptions. Sponsored by Commissioner Deidre Malone. (Amended in committee 5/7/08)

Announcements/Statements

28. [Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.](#)

a.) Resolution approving the County Mayor's nomination of Dawn Kinard for reappointment and Yolanda D. Ingraham for reappointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Joe Ford.

b.) Resolution approving the County Mayor's nomination of the Joint City-County appointment of Cathy Simmons to the Memphis and Shelby County Downtown Parking Authority. Sponsored by Commissioner Joe Ford.

Adjournment

29. Resolution of adjournment to Wednesday, May 14, 2008 at 8:30 A.M.